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C O N F I D E N T I A L SECTION 01 OF 02 ZAGREB 000602

SIPDIS

DEPARTMENT FOR EUR/SCE (NARDI)
USOSCE FOR POL(HELWIG)

E.O. 12958: DECL: 03/17/2008

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SUBJECT: CROATIAN PARLIAMENT "PUNTS" ON ELECTION LAW
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CLASSIFIED BY: POLOFF A.F.GODFREY FOR REASONS 1.5 (B,D)

SUMMARY

11. (C) POLITICAL PARTIES IN CROATIA'S RULING COALITION COULD NOT AGREE ON A MODEL FOR ELECTION LAW REFORM AND HAVE DECIDED INSTEAD TO MAKE "TECHNICAL CHANGES" TO EXISTING LEGISLATION. THE COALITION NEVER REALLY MOVED BEYOND THE THEORIZING STAGE IN ITS EFFORTS TO CUT THE POLITICAL DEAL WHICH WOULD HAVE BEEN NECESSARY TO CHANGE CROATIA'S ELECTION LAW. FOUR SEPARATE DRAFTS WERE DEBATED IN THE PARLIAMENT, AND TWO HAVE MOVED ON TO A SECOND READING, BUT NONE OF CROATIA'S POLITICAL LEADERS EXPECTS EITHER OF THEM TO BECOME LAW. WHILE CROATIA APPEARS TO HAVE MISSED AN OPPORTUNITY TO INCREASE THE ACCOUNTABILITY OF POLITICIANS TO VOTERS, IT HAS OPTED FOR GREATER STABILITY: THIS WILL BE THE FIRST TIME SINCE INDEPENDENCE THAT GENERAL ELECTIONS HAVE TAKEN PLACE TWICE UNDER THE SAME RULES. END SUMMARY.

12. (C) CROATIA'S CONSTITUTION REQUIRES THAT ANY NEW LEGISLATION REGULATING ELECTIONS BE ADOPTED A FULL YEAR PRIOR TO THE DATE OF EXPECTED ELECTIONS. BECAUSE THE CROATIAN PARLIAMENT TOOK UP ITS MANDATE IN FEBRUARY 2000, THE LATEST POSSIBLE DATE ELECTIONS COULD TECHNICALLY TAKE PLACE IS APRIL 2004 (SIXTY DAYS AFTER THE EXPIRY OF THE CURRENT MANDATE), WHICH MEANS THAT IF A NEW ELECTION LAW WAS TO BE PASSED BEFORE THE DEADLINE, IT MUST MOVE QUICKLY. WHILE THAT DEADLINE IS CONSIDERED NON-BINDING BY SOME POLITICAL OBSERVERS (SINCE THERE IS NO SANCTION IF IT IS MISSED), MOST
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OBSERVERS THINK THAT THOSE WHO WERE PRESSING FOR REFORM MISSED THEIR CHANCE.

13. (C) THEORIZING ABOUT HOW TO REFORM CROATIA'S ELECTION LAW HAS BEEN A POPULAR PASTIME IN ZAGREB, BUT THE TEMPO OF DISCUSSION INCREASED AS THE LIKELY DATE FOR ELECTIONS DREW NEARER. WHILE PUBLIC STATEMENTS VARY, MOST POLITICIANS TELL US PRIVATELY THAT THEY EXPECT ELECTIONS TO TAKE PLACE THIS FALL, IN OCTOBER OR NOVEMBER. THE PARLIAMENT'S POWERFUL COMMITTEE FOR CONSTITUTION, RULES AND POLITICAL SYSTEMS HAD BEEN WORKING ON A VARIETY OF DRAFTS FOR NEARLY A YEAR, BUT COULD NOT AGREE ON A SINGLE SYSTEM. COMMITTEE CHAIRMAN MATO ARLOVIC (SDP) DESCRIBED FOR US A COMPLICATED PROPOSAL FOR COMBINING PROPORTIONAL REPRESENTATION WITH DIRECT ELECTION FROM AN OPEN LIST. EVEN AS HE DESCRIBED THE THEORY, HE TOLD US THAT IT HAD LITTLE CHANCE OF BECOMING LAW.

EVERYBODY'S GOT A DRAFT ELECTION LAW

14. (SBU) RATHER THAN SITTING DOWN AND AGREEING ON A COMPROMISE SOLUTION, THE COALITION'S TWO LARGEST PARTIES -- THE SDP AND HSS -- FORMALLY SUBMITTED THEIR OWN SEPARATE DRAFTS FOR CONSIDERATION BY THE PARLIAMENT. THE OPPOSITION DEMOCRATIC CENTER (DC - WITH ONLY THREE SEATS IN THE CURRENT PARLIAMENT) TABLED ITS DRAFT, AND ONE MP FROM THE IDS (ISTRIAN DEMOCRATIC UNION - A REGIONAL PARTY) AND ONE FROM THE LS (LIBERAL PARTY - WITH FOUR SEATS) TABLED YET ANOTHER.

MINORITY REPRESENTATION, DIASPORA, REDISTRICTING

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15. (SBU) ALL OF THE SPONSORS OF THE VARIOUS DRAFTS ASSERT THAT THEIR COMMON GOAL IS TO INCREASE THE LEVEL OF MPS' DIRECT RESPONSIBILITY TO VOTERS BY LETTING VOTERS, RATHER THAN PARTY LEADERS, DECIDE WHICH CANDIDATES FROM A PARTY LIST SECURE SEATS IN PARLIAMENT. WHILE THEY TREAT THE ISSUE DIFFERENTLY, ALL OF THE DRAFTS INCREASE THE NUMBER OF ETHNIC MINORITY REPRESENTATIVES TO COMPLY WITH THE NEW CONSTITUTIONAL LAW ON NATIONAL MINORITIES. THE DRAFTS DIFFERED WIDELY ON HOW -- AND INTO HOW MANY DISTRICTS -- TO DIVIDE UP THE ELECTORAL SPACE AND ALSO ON HOW TO TREAT THE CONTENTIOUS ISSUE OF DIASPORA VOTING.

16. (SBU) THE SDP PROPOSAL CALLED FOR CROATIA TO BE CONSIDERED A SINGLE ELECTORAL DISTRICT, WITH CANDIDATES CHOSEN FROM A "SEMI-OPEN" LIST. REGIONAL AND SMALLER PARTIES CRIED FOUL, DECLARING THAT THE SDP WAS TRYING TO "KILL THE SMALLER PARTIES." PARTIES MUST TAKE AT LEAST FIVE PERCENT OF THE TOTAL VOTES CAST IN ANY ONE DISTRICT TO WIN A SHARE OF THE SEATS IN THE PARLIAMENT FOR THAT DISTRICT, AND ONLY THE LARGER, NATIONAL LEVEL PARTIES WOULD GET OVER THAT BAR IF THE ENTIRE COUNTRY WAS A SINGLE DISTRICT. THE HSS PROPOSED A MIXED SYSTEM, WHERE HALF OF THE SABOR WOULD BE ELECTED IN 65 WINNER-TAKE-ALL DISTRICTS, AND THE OTHER HALF IN A SINGLE

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ACTION EUR-00

INFO	LOG-00	NP-00	AF-00	AID-00	AMAD-00	CIAE-00	INL-00
	DODE-00	SRPP-00	DS-00	EB-00	FBIE-00	VC-00	TEDE-00
	INR-00	IO-00	LAB-01	L-00	VCE-00	AC-01	NSAE-00
	NSCE-00	OIC-02	OMB-01	DHS-00	OPIC-01	PA-00	PM-00
	PRS-00	ACE-00	P-00	SCT-00	SP-00	STR-00	TRSE-00
	USIE-00	IIP-00	PMB-00	DSCC-00	PRM-00	DRL-01	G-00
	NFAT-00	SAS-00	SWCI-00	/007W			

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P 180830Z MAR 03
FM AMEMBASSY ZAGREB
TO SECSTATE WASHDC PRIORITY 9732
INFO AMEMBASSY BELGRADE PRIORITY
AMEMBASSY LJUBLJANA PRIORITY
AMEMBASSY SARAJEVO PRIORITY
AMEMBASSY SKOPJE PRIORITY
AMEMBASSY SOFIA PRIORITY
USMISSION USOSCE PRIORITY
USMISSION USNATO PRIORITY

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COUNTRY-WIDE ELECTORAL DISTRICT BASED ON PROPORTIONAL REPRESENTATION (WITH POLITICAL PARTIES DECIDING ON CANDIDATE LISTS).

17. (SBU) ALL OF THE COALITION PARTIES AGREE THAT, REGARDLESS OF WHETHER THEY PASS A NEW LAW OR JUST TINKER WITH EXISTING LEGISLATION, THE WAY THE CROATIAN DIASPORA IS REPRESENTED MUST CHANGE. CROATIA'S CONSTITUTION GIVES CITIZENSHIP TO ETHNIC CROATS REGARDLESS OF WHERE THEY RESIDE. THE EXISTING TUDJMAN-ERA STATUTE ALLOWS ALL CITIZENS TO VOTE, EVEN IF THEY HAVE NEVER LIVED IN CROATIA. THE OVERWHELMING MAJORITY OF ETHNIC CROATS WHO VOTED FROM ABROAD IN THE 2000 ELECTIONS WERE HARD-LINE HDZ SUPPORTERS IN BOSNIA. THE SDP PROPOSAL WOULD ALLOW FOR DIASPORA VOTING, BUT WOULD REQUIRE PROOF OF LEGAL RESIDENCE IN CROATIA FOR THREE MONTHS PRIOR TO ELECTIONS. THE HSS PROPOSED TO LIMIT DIASPORA MPS TO THREE, WITH ONE FROM EUROPE, ONE FROM NORTH AND SOUTH AMERICA, AND ONE REPRESENTING THE DIASPORA IN AFRICA AND AUSTRALIA.

18. (C) THE IDS/LS PROPOSAL TO ADDRESS THE DIASPORA ISSUE WAS BASED ON A BILATERAL AGREEMENT WITH BIH ON DUAL CITIZENSHIP, STILL TO BE NEGOTIATED. CROATIA AND BIH CONTINUE NEGOTIATIONS AND MAY YET CONCLUDE THE AGREEMENT, WHICH WOULD PREVENT BIH CITIZENS FROM VOTING IN MORE THAN ONE COUNTRY'S ELECTIONS. BUT HIGH REPRESENTATIVE PADDY ASHDOWN'S JANUARY 2003 DECISION TO DELAY IMPOSING A DUAL CITIZENSHIP LAW IN BIH MAY HAVE TAKEN THE ISSUE OFF THE FRONT BURNER.

HDZ: WAIT AND SEE

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19. (C) THE OPPOSITION HDZ, CROATIA'S LARGEST PARTY, HAS NOT PUT FORWARD A PROPOSAL OF ITS OWN, EVEN THOUGH IT STANDS TO LOSE THE MOST WHEN DIASPORA VOTING RIGHTS ARE CURTAILED. HDZ PRESIDENT SANADER'S EARLY "SOUND BITE" ON CHANGING THE ELECTION LAW HAS BEEN "WE'LL WIN WITH ANY SYSTEM," ALTHOUGH HIS PARTY STANDS TO LOSE THE MOST IF BOSNIAN CROATS ARE RESTRICTED FROM VOTING. A MORE LIKELY REASON FOR THE HDZ'S RETICENCE TO SUBMIT A DRAFT IS THAT ITS LEADERS KNOW THE COALITION WILL VOTE DOWN ANYTHING THEY PROPOSE.

10. (C) ON FEBRUARY 14, THE PARLIAMENT INSTRUCTED THE COMMITTEE FOR CONSTITUTION, RULES AND POLITICAL SYSTEMS TO PREPARE "TECHNICAL CHANGES" TO THE EXISTING ELECTION LAW IN ORDER TO BRING IT INTO COMPLIANCE WITH CHANGES IN THE CONSTITUTION AND THE NEW LAW ON NATIONAL MINORITIES. IN WHAT COULD SEEM LIKE A CONTRADICTION, THE PARLIAMENT ALSO PERMITTED THE SDP AND HSS DRAFT ELECTION LAWS TO ADVANCE IN THE LEGISLATIVE PROCESS. NOW THAT THESE BILLS HAVE PASSED THEIR "FIRST READING," THEY WILL BE SCHEDULED FOR A SECOND AND FINAL DEBATE WITHIN SIX MONTHS UNLESS THEY ARE WITHDRAWN BY THEIR SPONSORS. ONE POLITICAL ANALYST SUGGESTED THAT THE HSS AND SDP WANT TO KEEP THE "THREAT" TO SMALLER PARTIES ACTIVE TO ENSURE THAT SMALLER COALITION PARTNERS SUPPORT THE "TECHNICAL CHANGES" TO THE EXISTING LAW. ANTE MARKOV, A SENIOR HSS MP, TOLD US THAT THE PARLIAMENT WILL PROBABLY AGREE TO SOME SORT OF RESIDENCY REQUIREMENT TO RESTRICT THE DIASPORA VOTE UNTIL CLEAR RULES DEFINING DUAL NATIONALITY ARE DEVELOPED.
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